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mkraft@hp.com
ipa.mail@hp.com



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/809,958

Filing Date: March 25, 2004

Appellant(s): SERRA ET AL.

JAN 29 2008

Technology Center 2100

Manisha Chakrabarti
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 3, 2007 appealing from the Office action mailed June 29, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-12.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,962,473	CRAIN	10-1990
2002/0097322	MONROE ET AL.	7-2002
5,768,552	JACOBY	6-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. On page 6 of the specification, it states that computer readable media includes "transmission media such as digital, analog, and wireless communication links". Such media would include electromagnetic waves or signals (i.e. energy), which constitutes nonstatutory matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-6, 8-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crain (US 4,962,473) in view of Monroe et al. (US 2002/0097322).

Claim 1

As per claim 1, Crain teaches a **monitoring system comprising: a plurality of sensor elements for distribution at a location** (in abstract, "... A first subdivision is a security and control subsystem which operates to monitor and control sensors and actuators associated with an intrusion detection system" in view of figure 2), **a plurality of cameras for capturing video data of the location** (in column 6 lines 12-20, "As seen from FIG. 2, the video switch and control circuit 39 which is associated with the environment and security processor 35 accepts input from video sources such as surveillance cameras, video tape recorders, computer generated displays and other video sources. As one can understand, in a large facility which is being monitored there may be video cameras distributed throughout the facility" in view of figure 2 and in abstract), **a display unit for displaying a graphical representation of a network of the sensor elements throughout the location and a video stream from any one of the cameras** (in column 12 lines 21-30 in view of figures 2 and 4, and in column 5 lines 34-39), **a navigation unit for navigating through the network of sensor elements displayed by the display unit** (in column 11 lines 24-28 and in column 17 lines 46-51 in view of figure 11), **and a processing unit for selecting one of the cameras as the source of the video**

stream (in column 6 lines 50-57, “.. The control and switching of the surveillance video is centralized and completely under the control of the ESP 35 [or environment and security processor] to improve security and to simplify manual operations in the event of computer failure” in view of column 12 lines 24-27, “This includes switches to select specific views and camera controls 75 which switches or controls are mounted beneath the display 64”), but Crain does not specifically teach selecting one of the cameras as the source of the video stream **based on a current navigation position in the network of sensor elements.**

However, Monroe teaches the above limitation (in paragraphs 19, 21, 22, and 25 on page 2 in view of figure 3, the user navigates the network of sensors through a map and upon selecting a particular sensor/navigation position among the network of sensors, the associated video stream will be displayed). It would have been obvious to one of ordinary skill in the art to modify the system of Crain to include the video display based on a current navigation position of Monroe to allow the user to quickly and easily select a particular camera to view and relate its position in the location that is being monitored, thereby enhancing the surveillance capability of the user.

Claim 2

As per claim 2, the rejection of claim 1 is incorporated and Crain further teaches **a plurality of actuator elements for distribution at the location** (in abstract, “... A first subdivision is a security and control subsystem which

operates to monitor and control sensors and actuators associated with an intrusion detection system" in view of figure 2), **the display unit displaying a graphical representation of a network of the sensor and actuator elements** (in column 18 lines 63-68 and column 19 lines 1-3), **the navigation unit enabling navigation through the network of sensor and actuator elements** (in column 11 lines 24-28, "As indicated above, the display 63 interfaces with the user interface computer 66 and allows the use of the window control pad 82, the mouse 68, the text numeric keyboard 69 and the dialing function select pad 90" and in column 17 lines 46-51 in view of figure 11), **and a control unit for controlling the actuator elements through user input in response to information obtained from the graphical representation and the video stream** (in column 8 lines 18-21, Craine uses a control unit, graphical representation and surveillance video in conjunction to access and control his system, allowing the user to control actuators through user input methods disclosed in column 17 lines 46-51 and in column 9 lines 14-18).

Claim 4

As per claim 4, the rejection of claim 1 is incorporated and Crain further teaches **the control unit updating configuration data associated with the network of sensors and actuators in response to the user input** (in column 17 lines 46-51 in view of figures 11 and 5b, the user is able to enable, disable, or test sensors and actuators, which inherently requires updating configuration data associated with them).

Claims 5, 6, and 8

Claims 5, 6, and 8 are the method claims corresponding to the system claims 1, 2, and 4 respectively, and are rejected under the same reasons set forth in connection with the rejection of claims 1, 2, and 4.

Claims 9, 10, and 12

Claims 9, 10, and 12 are the computer readable medium claims corresponding to the system claims 1, 2, and 4 respectively, and are rejected under the same reasons set forth in connection with the rejection of claims 1, 2, and 4.

5. Claims 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crain (US 4,962,473) in view of Monroe et al. (US 2002/0097322), as applied to claim 1 above, and further in view of Jacoby (US 5768552).

Claim 3

As per claim 3, Crain and Monroe teach the monitoring system of claim 1 (see rejection of claim 1) and Crain further teaches **the processing unit overlaying an element over the video stream** (in column 6 lines 9-12, for example, adding a title), but does not specifically teach **a frame boundary corresponding to a displayed frame of a graphical representation**. However, Jacoby teaches the above limitation (in column 8 lines 51-64; a rectangle corresponding to a displayed frame is overlaid on another view). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Crain and Monroe to include the frame boundary element of Jacoby to provide the user with an indication of the contextual relationship between different views, where one view contains the other.

Claim 7

Claim 7 is the method claim corresponding to the system claim 3, and is rejected under the same reasons set forth in connection with the rejection of claim 3.

Claim 11

Claim 11 is the computer readable medium claim corresponding to the system claim 3, and is rejected under the same reasons set forth in connection with the rejection of claim 3.

(10) Response to Argument

Applicant's arguments filed 12/03/2007 have been fully considered but they are not persuasive.

Regarding Appellant's main arguments:

- I. ***The rejection of claims 9-12 as being directed to non-statutory subject matter should be withdrawn because examiner has inappropriately imported an alleged limitation of an embodiment of the invention described in the specification***

Claims 9-12 are directed towards a "computer readable medium" and page 6 of the specification states that computer readable media includes "transmission media

such as digital, analog, and wireless communication links", in other words, electromagnetic signals, which are not statutory. MPEP Section 2111 states that the Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." See section for more details. This should not be confused with reading limitations from the specification into the claims. Since Appellant clearly indicates in the specification that computer readable media *includes* transmission media (i.e. in light of the specification as it would be interpreted by one of ordinary skill in the art, the scope of the term "computer readable media" *incorporates* transmission media), the claims are directed towards nonstatutory subject matter. As such, the rejection is maintained.

II. *The rejection under U.S.C. 103(a) over Crain in view of Monroe et al. should be withdrawn because the cited prior art references, either in combination or alone, fail to disclose each and every element recited by the claims at issue*

In particular, Appellant argues that Crain and Monroe do not suggest or disclose "navigating through a displayed network of sensor elements, selecting one of the cameras at the location as the source of a video stream based on a current navigation position in the network of sensor elements and displaying the video stream". However, examiner respectfully disagrees.

In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Crain teaches a display unit displaying a map of network of sensors throughout a location and a video stream from cameras (e.g. in column 12 lines 21-30 in view of figures 2 and 4, and in column 5 lines 34-39), but does not specifically teach selecting one of the cameras as the source of the video stream based on a current navigation position in the network of sensor elements. Instead, as noted by appellant, the selection of the video stream source is operated through camera view selection switches. Appellant further states that the alarm map of Crain is not even an interactive map and cannot be used to select one of the cameras at the location as the source of a video stream for display. However, Crain teaches utilizing the maps to show the sensors and locations of alarms, which would direct guards or supervisors to the viewing of such locations (e.g. in column 5 lines 34-36 and column 12 lines 27-29). Therefore, the maps are for interactive purposes to select the appropriate video stream for viewing. Furthermore, Monroe teaches the feature that "When a user wishes to view an area of the facility [i.e. display the video stream], the user identifies the camera that provides a view of that area of the facility [through a map of the facility], and selects the identified camera by double clicking on the associated camera icon in the map of the facility" (also noted by appellant).

Appellant argues that “merely positioning a cursor over the associated camera icon does not automatically result in the display of the video stream generated by the identified camera in the video window”, but “selecting one of the cameras as the source of the video stream based on a current navigation position in the network of sensor elements” does not necessitate that feature. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, that feature is not claimed, nor described in the specification. Appellant also argues that the claimed invention automatically selects the camera that provides a best view of the monitored area under the surveillance of the sensors associated with the current navigation position without any input from the user. However, such a feature is also not reflected in the claim limitations.

In regards to the claimed limitations, Monroe teaches navigating the network of sensors through a map by selecting a particular sensor position (moving a cursor to that position and double clicking; in other words, designating a “current navigation position”) among the network of sensors, and based on the “current navigation position”, the associated camera will be selected as the source of the video stream to be automatically displayed (e.g. in paragraph 19, “Each map contains icons representing cameras or other sensor sites. Each camera/sensor icon represents the position of the camera within the facility” and paragraph 21, “If the icon is double left clicked, then that

camera's video appears on the primary screen video window in a full screen view").

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art at the time of invention would have immediately seen the benefit of modifying the system of Crain to include the video display based on a current navigation position of Monroe. By integrating the selection of video method of Monroe into the map and video display of Crain, it would allow the user to quickly and easily select a particular camera to view and relate its position in the location that is being monitored, thereby enhancing the surveillance capability of the user.

Since the combination of Crain and Monroe teaches all the claimed limitations, the rejection is maintained.

III. *The rejection under U.S.C. 103(a) over Crain in view of Monroe et al. and further in view of Jacoby should be withdrawn because the cited prior art references, either in combination or alone, fail to disclose each and every element recited by the claims at issue*

Appellant's arguments with respect to the claims in this section appear to be a repetition of the above arguments (see response to section II), only adding that Jacoby

does not suggest or teach the alleged deficiency of section II. Therefore, examiner respectfully requests that the Board's attention be directed to the response in section II.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William Wong
Patent Examiner
Art Unit 2178



Conferees:


Lynne H. Browne
Appeal Practice Specialist, TQAS
Technology Center 2100


Stephen Hong
Supervisory Patent Examiner
Art Unit 2178
STEPHEN HONG
SUPERVISORY PATENT EXAMINER